

Delivering on the Responsibility to Protect in Africa

I ROUNDTABLE REPORT

INTRODUCTION

Thirty experts from a range of institutions gathered in Ottawa, Canada, on May 30, 2005, for a policy roundtable titled "Delivering on the Responsibility to Protect in Africa". Co-hosted by The North-South Institute (NSI-Canada), the Centre d'Alerte et de Prévention des Conflits (CENAP-Burundi), the Development Policy Management Forum (DPMF-Ethiopia) and the Institute for Security Studies (ISS-South Africa), this meeting provided a timely opportunity to review progress towards the protection of African civilians at risk of massive human rights violations. It also offered a forum to explore policy options for a range of stakeholders and actors including the African Union (AU), Canada, the United Nations and the broader international community. In addition to the host organizations, participants included Canadian officials from several departments and policy analysts from Africa, Canada, Europe and the United States.

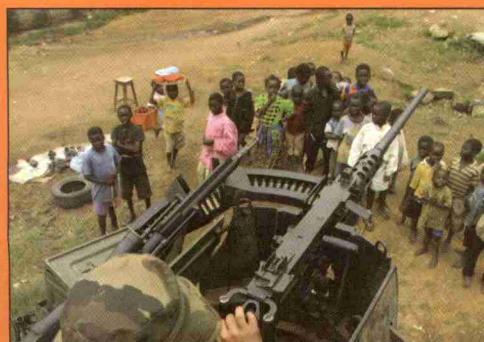
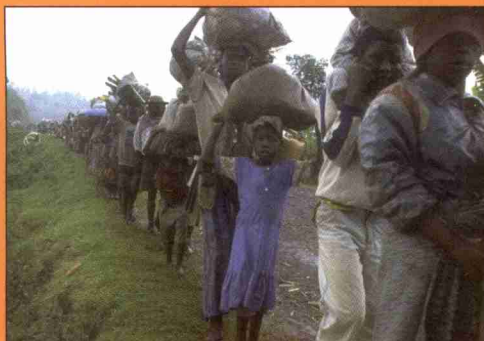
The first part of this policy brief summarizes five themes around which discussions converged, without attribution to particular participants since the roundtable was off-the-record. The second part sets out a series of policy recommendations for the international community and particularly for Canada, building on the roundtable and on The North-South Institute's earlier work in this area. These recommendations are a work-in-progress: over the coming years we will update them in partnership with CENAP, DPMF, ISS and other institutions including the Netherlands Institute for International Affairs (Clingendael) and the UK Institute for Public Policy Research.

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African tragedies, international failures

The historical backdrop to the discussions of emerging African capacities to protect civilians at risk of grave human rights violations is the failure of the international community to respond appropriately to tragedies such as the collapse of the Somali state, genocide in Rwanda, recurrent war in Angola and Sierra Leone, protracted conflict in the Democratic Republic of the Congo and the current crisis in

Darfur. Several participants suggested that the inability and/or unwillingness of either the United Nations or a number of African institutions to protect Africans in these situations shattered illusions of a post-Cold War peace dividend and prompted many to search for new protection mechanisms.

The Responsibility to Protect in Africa

Participants noted that the notion of the “responsibility to protect” (R2P) has made considerable advances in recent years. In 2001 the International Commission on Intervention and State Sovereignty (ICISS) cogently argued that sovereign states and the international community have a responsibility to protect populations at risk of grave human rights violations, to rebuild war-affected societies and above all to prevent severe violations and deadly conflict. The Commission laid out a framework for international action when states fail to live up to their responsibilities to protect citizens, including principles for the use of force in extreme circumstances. The Commission’s report sets a high bar for military intervention: the criteria to prompt a military response include large-scale violence and large-scale ethnic cleansing.

However, as one roundtable participant noted, by stressing the international community’s collective responsibilities at different phases of conflict, R2P actually lowers the threshold for “paying attention” to emerging crises. Key ICISS recommendations were taken up by the UN High Level Panel on Threats, Challenges and Change in 2004, and were endorsed by UN Secretary-General Kofi Annan’s *In Larger Freedom Report*. Canadian officials thought there might be enough votes to obtain endorsement of these principles at or shortly after the UN Millennium Review Summit in September 2005. This endorsement may ultimately help limit the discretionary space of the United Nations to remain indecisive in the face of large-scale human rights violations.

Several presenters noted the even more dramatic evolution of African norms in recent years. The NSI background paper documented the codification of responsibility to protect principles in the 2002 Constitutive Act and in subsequent African Union documents. African participants added to the paper’s explanation of new AU structures, such as the already-established Peace and Security Council and the emerging African Standby Force (ASF). They explained how the ASF will build on the emerging capabilities of certain regional economic communities, particularly the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC). They noted plans to link this emerging structure to other mechanisms including the Continental Early Warning System (CEWS), the African Peer Review Mechanism (APRM) and the New Partnership for Africa’s Development (NEPAD). They described opportunities and challenges faced by the African Union’s stabilization force in Burundi and its recent engagement in Darfur.

Rising to the challenges of timely protection

The experience in Burundi illustrates one of the quandaries facing the AU. Its capacities for the timely use of force in crisis situations are only being developed. The ASF is not slated to be fully operational before 2010, and even this is an ambitious timeline. Yet participants noted that in the absence of timely and effec-

tive UN responses, key African leaders and other members of the international community believe that the AU must take action.

This is the logic that led the AU to deploy AMIB and to seek a mandate for ceasefire



monitoring and civilian protection in Darfur. The difficulty in obtaining the consent of the host state for the latter and the challenges of persuading Khartoum to agree to the deployment of a large force of armed observers highlight the enduring ability of relatively strong AU member states to use state sovereignty to slow down timely international protection. It also underscores the requirement for the international community to remain engaged in large scale humanitarian emergencies. Yet the AU and key African states' willingness to push the envelope on protection in Darfur, and the support they received from donors, NATO and the EU from mid-2005 onwards, suggests that the AU might be able to deliver on its responsibility to protect in due course and with sufficient international support.

The difficulties in responding to the crises in Burundi and Darfur highlight another challenge facing AU protection operations, namely their reliance on regional economic communities (RECs). One problem is that most RECs are only beginning to organize as coherent entities and have a long way to go to develop mechanisms for security cooperation. Another is that external assistance tends to favour some regions over others—notably western and southern Africa. One African participant suggested that this aggravates the mismatch between the RECs and the AU on security and other matters. Others suggested that donors should support the development of the RECs' peace and security capacities in a manner that ties them into, rather than draws them away from, the AU.

The AU and UN in Burundi

After unsuccessful attempts to obtain a UN Security Council mandate to deploy a peace support operation to monitor and verify a partial ceasefire, in April 2003 the AU deployed the African Mission in Burundi (AMIB). AMIB augmented and transformed the 700 South African troops who had been deployed in 2001 to protect political leaders during the transition.

Due to resource and capacity constraints, and above all ongoing warfare, AMIB was only partly able to implement its mandate to observe the ceasefire, initiate the demobilization of combatants and protect civilians at risk. Yet several roundtable participants suggested that AMIB did play a crucial role in laying the foundations for a more comprehensive peace accord and for its verification by the follow-on UN Operation in Burundi (ONUB).

ONUB's deployment in June 2004 built on AMIB's resources and initial contributions. Deployed with significantly more resources and at a more advanced stage in the peace process, ONUB has helped expand the space for elections and peacebuilding. Yet participants suggested that severe human rights violations continue and that the elections could paradoxically undermine democratic consolidation. They also suggested that the government and the international community are only beginning to address longer-term peacebuilding challenges such as truth, justice and national reconciliation, security sector reform and poverty reduction. It is not clear if the AU or other African institutions will play significant roles in aspects of peacebuilding where financial resources are key.

The AU and others in Darfur

By late 2004 it became clear that despite the escalation of war and the massive increase in human rights violations, the UN would not be able/willing to deploy a protection force in Darfur due to opposition by Khartoum and by a number of other African leaders, as well as to divisions within the Security Council. Against that backdrop the AU, which obtained a mandate to monitor the ceasefire in April 2004, deployed 300 observers and pressed for an expanded mandate. In October 2004 the AU decided to expand the African Mission in Sudan (AMIS) to 3,320 personnel.

In 2005 the international community significantly increased its support for AU efforts. By April 2005 its pledges to AMIS amounted to US\$248 million. By June this included offers of airlift support and headquarters and intelligence training from NATO and the EU. In early 2005 the UN Security Council passed several resolutions expanding sanctions on the government and referring the situation in Darfur to the International Criminal Court.

According to African participants, though this has led to a "remarkable" expansion of AMIS's deployment, the protection situation may have only modestly improved on the ground, and ceasefire violations continue on a regular basis. Moreover the AU and the broader international community have only begun to initiate planning for postwar peacebuilding in Darfur and for African contributions to those processes.

Delivering on the broader R2P agenda

Although they aspire to play roles along the entire prevention-reaction-rebuilding continuum, African institutions face huge challenges in implementing their commitments to this broader R2P agenda. In Burundi the UN took over from the AU once conditions were somewhat stabilized, and there are no clear roles contemplated for African institutions in helping Burundi tackle peacebuilding challenges such as security sector reform or poverty reduction. Although the AU is positioning itself to contribute to peacebuilding in southern Sudan and possibly in Darfur, several participants voiced skepticism over whether the AU would actually play meaningful roles in peacebuilding and whether these would be based on the organization's comparative advantages.

Addressing other challenges

Participants flagged several other major challenges facing efforts to deliver on the responsibility to protect in Africa. These include:

- Tensions between R2P and the tradition of solidarity among African ruling elites. Some African participants suggested that the “norm of mutual protection by ruling elites is still stronger than emerging norms on protecting civilians.”
- The possibility that strengthening African military protection capacities could tip fragile civil-military balances in certain countries. Any increases in military institutions' capacities in Africa must be linked to proportionate investments to make security forces democratically accountable to civilian authorities.
- The enormous challenge of integrating gender considerations into African R2P efforts. This has begun in AMIB and AMIS, but much more could be done to integrate gender considerations into peace operations, peacebuilding and conflict prevention, as per UN Security Council Resolution 1325.
- At present the AU's agenda is driven largely by the leadership and resources of a few key African states, and African troop contributors are nearing the end of their capacity.

A new international division of R2P labour?

Some participants highlighted the potential emergence of a sequential model whereby the AU is the first on the scene, either in support of a peace process or to provide front-end stabilization forces, the UN leads multi-dimensional peace operations once comprehensive peace accords are reached, and larger international donors play lead roles in key peacebuilding tasks such as demobilization, governance reforms and economic reconstruction.

Participants agreed that a “new international division of labour” that seeks to relegate African institutions (and African troops) to the most dangerous roles upfront, leaving less front-line military operations to NATO or the UN, and more complex peacebuilding tasks to Northern-dominated institutions such as the World Bank and the International Monetary Fund, may be problematic. Is this an appropriate division of responsibilities, they asked, when African soldiers put their lives—and the lives of the people they are meant to protect—at risk in difficult circumstances with inadequate resources only to hand control over to better-resourced organizations once conditions have stabilized? Where would this division of labour leave the AU's vision of contributing to the continuum of reaction-peacebuilding and prevention? Where would it leave other African institutions such as the African Commission for Human and Peoples' Rights on governance issues, or the African Development Bank on economic reconstruction processes?

II POLICY RECOMMENDATIONS

1 *Normative frameworks for The Responsibility to Protect in Africa*

1.1 There is a need to develop a common understanding and universal doctrine in the United Nations, the African Union, the regional economic communities, other regional organizations and key states surrounding the “protection of civilians” and how protection tasks might be carried out in specific contexts.

1.2 Canada and other governments that support The Responsibility to Protect should more consistently frame this evolving concept as a continuum of protection that links prevention, reaction and rebuilding priorities when advocating its endorsement in international forums.

The formulation of R2P as a broad spectrum of responsibilities that bridge crisis response and transformative peacebuilding aligns more closely with African peace, security and development priorities. This framing, also rooted in the ICISS report, may help allay concerns in the South that R2P is merely a legitimizing doctrine for interventions based on narrow Northern-driven agendas.

1.3 In order to deliver on this broad responsibilities agenda, Canada and other key members of the international community should assist the AU in promoting its integrated conception of the responsibility to prevent, react and rebuild among Member States and other actors. Canada and like-minded governments can help the AU promote political will across the protection continuum through bilateral policy dialogue, as well as through key international forums such as the G-8 and the UN.

2 *Helping Africans put R2P into practice*

2.1 Engaged members of the international community should assist the AU and the regional economic communities in the African Standby Force’s peacekeeping capacities while also paying close attention to developing the ASF’s capacity to undertake non-peacekeeping tasks like observation and monitoring, preventive deployment, and post-conflict disarmament and demobilization.

2.2 The international community should assist the AU and other African institutions in developing an on-going best practices and lessons-learned capacity on peacekeeping so that the AU and the RECs do not need to “reinvent the wheel” when/if they are forced to respond to future Burundi- or Darfur-like crises.

2.3 The AU and donors, including Canada, should also support strengthening the capacity of African research institutions to provide analysis of conflict situations

and evidence-based policy recommendations to the African Union, the RECs, the United Nations and other actors.

2.4 Canada and other donors need to strike a better balance between building African peace support operations and crisis response capacities, and providing sufficient resources to develop the AU’s and other African institutions’ capabilities for conflict prevention and post-conflict reconstruction, including reconciliation. To support this broader peace, security and development agenda, Canada and other donors should:

- Make developing the AU’s conflict prevention capacities a central objective of assistance. In particular, donors could support the African Union in developing a road map for conflict prevention that, like the road map for the operationalization of the ASF, sets out clear tasks and timelines to develop the AU’s conflict prevention and resolutions mechanisms.
- Assist the AU in finding better ways of raising issues of conflict prevention at the level of the Peace and Security Council. In particular, donors could offer greater support to the Political Affairs Department of the African Union. To date the majority of donor assistance to the AU for conflict prevention, management, and resolution has been channeled to the Peace and Security Department. While this support is important, the Political Affairs Department will

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2. *Helping Africans put R2P into Practice* (continued)

play a critical role in conflict prevention. Moreover, it houses the Special Representative for the Protection of Civilians in Armed Conflict, a position that requires additional financial and political support to fulfill assigned duties.

- Focus on developing the early warning capacities of regional organizations and building in mechanisms to link these focal points at the African Union.
- Provide greater assistance to the courts and commissions that support the AU's peace, security and development agenda but remain outside of the African Union. For example, with even relatively modest resources, Canada could make a significant contribution to strengthening linkages between the AU system and the African Commission on Human and Peoples' Rights based in the Gambia.
- Offer support to the African Union's post-conflict reconstruction agenda through the AU's proposed Ministerial Committee on post-conflict reconstruction and harmonize this with support for NEPAD's Peace and Security Committee.
- Develop a better understanding of the current performance and future requirements of the African Peer Review Mechanism, and find ways to channel greater technical and financial support to this mechanism.

3 *ONUB and beyond in Burundi*

- 3.1 The UN Operation in Burundi should play a more robust role in providing meaningful protection to civilians under threat of physical violence and in actively deterring human rights violations, with particular attention to the rights of women and girls.
- 3.2 The UN Security Council must ensure that it follows through on its commitments to remain engaged in Burundi over the long-term, through ONUB and other mechanisms, since the post-electoral political situation, the challenges of resettling refugees and internally displaced persons (IDPs), enduring poverty and the proliferation of arms may fuel protracted violence.
- 3.3 Donors need to start releasing their development pledges to Burundi, even in the context of continued fighting and delayed transitional processes. Donor commitments to Burundi could be directed toward poverty reduction initiatives and governance reforms that advance the priorities of local and national agents of change, including women and women's groups. For example, donors could support the country's community recovery program that will build schools and clinics in some of the most marginalized communities, assist the formulation of conflict-sensitive land policy reforms, and help build the capacity of the national government in these and other critical sectors.
- 3.4 Canada and other donors need to strike the right balance between supporting minimalist reforms, or "good enough governance" in fragile states like Burundi, with the pressing need also to address some of the most politically and socially contentious issues (e.g. inequalities of power and wealth along ethnic, race, gender or class lines) that often lie at the root of violent conflict. By supporting multi-stakeholder policy dialogue, donors can help interested parties keep structural issues on the agenda as well as devise realistic timeframes for addressing such issues through reforms.

4 *AMIS and beyond in Darfur*

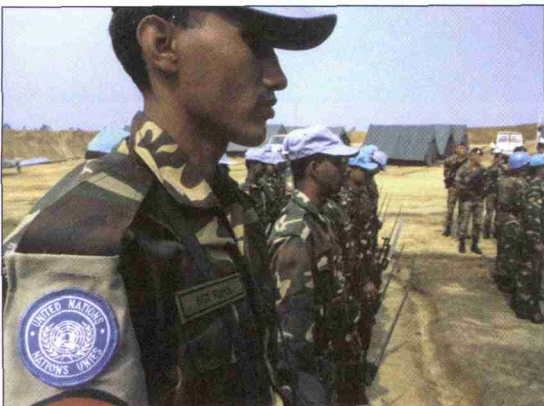
4.1 The international community, including Canada, will need to provide financial and other resources to help the AU expand its deployment in Darfur. African Mission in Sudan (AMIS) requires air transport capacity, helicopter gunships, armoured personnel carriers, sophisticated intelligence gathering capability, communication equipment, as well as planning and mission management capacity. Canada needs to ensure that its May 2005 commitment to AMIS meets these and other requirements identified by the African Union. Canada can also use its position as a significant supporter of AMIS to persuade other donors to contribute meaningfully and over the long-term to a larger deployment. Canada can contribute to helping the AU reassess its mandate in order to strengthen its protection and ceasefire enforcement provisions should the situation deteriorate.

4.2 The UN Mission in Sudan (UNMIS) needs to coordinate more closely with AMIS. UNMIS, which will monitor the comprehensive peace agreement negotiated between the Government of Sudan and the Sudan People's Liberation Movement (SPLM), will need to find ways of sharing its resources and expertise with AMIS. The UN also needs to begin working in partnership with the AU and other key local, national and international stakeholders to plan for the future of Darfur.

4.3 Canada and other members of the international community need to apply greater pressure on all parties to the conflict to respect the ceasefire and humanitarian law. They should press the Government of Sudan to live up to its commitments to protect civilians and to allow AMIS to expand its mandate to protect civilians and fully enforce the ceasefire, should this be necessary in the future. Finally, Canada and others need to use diplomatic and financial levers to ensure that the main parties to the conflict fully engage in political negotiations to bring an end to the conflict and chart a course for building lasting peace in Darfur.

4.4 To make an immediate contribution to peace in Darfur, Canada should support policy research that could illuminate options for immediate engagement and research to inform a long-term strategy for sustainable peacebuilding. A logical starting point would be to commission a scoping study consolidating the insights of the best research on the conflict and conflict transformation options in Darfur. That survey may highlight the need for further policy research on issues like:

- The historical causes of conflict and the contemporary political economy of warfare in Darfur in a sub-regional context.
- Options for peace-making: how the Comprehensive Peace Agreement could be extended to Darfur, how the armed movements could be assisted in transforming themselves into political actors, and what support the AU might require to enhance its mediation in the conflict.
- The dimensions of internal displacement and options for the voluntary resettlement of Internally Displaced Persons (IDPs), including dealing with their legitimate claims to confiscated land.
- A survey of local government capacities to provide basic public goods such as public security, justice and conflict management, education and health including trauma counseling. This survey or set of studies could examine how local authorities can complement the mandates of national institutions and the contributions of local civil society, including traditional authorities, to peacebuilding.
- A baseline survey on the state of rural development and the potential for reviving and transforming the local agricultural economy.
- A study looking at how the African Union and other African institutions may play a role in assisting with post-conflict reconstruction in Darfur and other marginalized areas of Sudan.



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5 The African Union and the regional economic communities

Donors, including Canada, can play an important role in assisting the AU and the RECs in formalizing their relationship in ways that draw on comparative advantages and advance the R2P agenda in Africa without exacerbating competition between the regions. Donors should:

- 5.1 Ensure that support channeled bilaterally and to the RECs does not undermine the AU's strategic framework.
- 5.2 Support normatively consistent approaches to R2P among the RECs and between the RECs and the AU.
- 5.3 Channel support to RECs with less developed peace and security mechanisms, provided they demonstrate clear commitments to advancing a R2P agenda and rigorously respecting universal human rights standards in their own activities.
- 5.4 Explore mechanisms that could advance collaboration between the AU and the RECs such as: staff exchanges; joint training for planners, force commanders, and support elements; joint initiatives in the areas of peace-making, peacekeeping and peacebuilding, joint needs assessment missions, etc.

6 The African Union and the United Nations

- 6.1 Canada and other engaged actors should encourage the United Nations Security Council to pass a resolution to provide meaningful support to the RECs, the ASF and the AU's other peace and security mechanisms.
- 6.2 Canada and other donors can help formalize the relationship between the African Union and the United Nations by supporting the drafting a Memorandum of Understanding for the sharing of assets like information, airlift, personnel and possibly financial resources.

Resources

Centre d'Alerte et de Prévention des Conflits (CENAP) : www.cenap.bi

"Après l'adoption de la constitution post-transition par referendum quelle projet et quelles alternatives pour les élections prochaines."

The Clingendael Institute:

www.clingendael.nl

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Abdalla Bujra and Hussein Solomon, Perspectives on the OAU/AU and Conflict Management in Africa.

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www.ippr.org.uk

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